

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18617 of 2015

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The Commissioner Of Purnea Municipality & Ors

.... Petitioner/s

Versus

Sushil Kumar Sharma & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-06-2016 Heard the learned counsel, Mr. B.N.P. Singh, for the
petitioner.

Perused the order dated 23.05.2015 passed by Addl. Munsif,
Purnea in Title Suit No.227 of 1998.

It appears that the said suit was filed by the plaintiff
respondent for declaration of title with respect to the suit property.
The defendants filed written statement denying the title.
Thereafter, the petitioner filed application praying for getting the
proceeding of the title suit in abeyance till the production of the
probate certificate by the plaintiff as the plaintiff cannot claim title
on the basis of unprobated Will as provided under Section 213 of
the Indian Succession Act.

The Court below has held that the plaintiff nowhere
mentioned any probate has been filed and he has obtained probate
certificate and, therefore, the suit cannot be kept abeyance.

In view of the above finding of the Court blow, I do not find any reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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